

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In Re:

SIMON ZAROUR,

Debtor,

SIMON ZAROUR,

Appellant,

v.

U.S. BANK, NATIONAL ASSOCIATION, as  
Trustee for Citigroup Mortgage Loan Trust Inc.  
and DEUTSCHE BANK NATIONAL TRUST  
COMPANY, as Trustee for American Home  
Mortgage Assets Trust 2007-3,

Appellees.

**ORDER OF DISMISSAL**

21 CV 6967 (VB)

In a letter dated November 28, 2021, appellant informed the Court he “dismiss[es] the appeal,” in the apparent belief he “will be permitted to file an adversary complaint or go forward in District Court.” (Doc. #21). In their response dated December 3, 2021, appellees consented to dismissal of the appeal. (Doc. #24). However, appellees maintain it would be “inappropriate” for the Court to provide an advisory opinion regarding appellant’s ability to “go forward in the District Court.” (Id.)

In light of the parties’ submissions, appellant’s request to dismiss the appeal—which the Court construes as a motion to dismiss the appeal “on terms agreed to by the parties” under Federal Rule of Bankruptcy Procedure 8023—is GRANTED. To be clear, the Court takes no position on appellant’s ability to “file an adversary complaint or go forward in District Court,” for substantially the reasons stated in appellees’ December 3 letter.

Accordingly, it is hereby ORDERED that this appeal is dismissed without costs. All other deadlines, scheduled conferences, or other scheduled court appearances are canceled.

The Clerk is directed to close this case.

Dated: December 10, 2021  
White Plains, New York

SO ORDERED:



Vincent L. Briccetti  
United States District Judge